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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,721	04/16/2004	Knut Behnke	81752/LPK	2177

7590

11/09/2005

Lawrence P. Kessler
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EXAMINER

GLEITZ, RYAN M

ART UNIT

PAPER NUMBER

2852

DATE MAILED: 11/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

EJL

Office Action Summary	Application No.	Applicant(s)	
	10/826,721	BEHNKE ET AL.	
	Examiner	Art Unit	
	Ryan Gleitz	2852	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-16, 18 and 20-26 is/are rejected.
- 7) ☒ Claim(s) 6, 7, 17 and 19 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/16/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

Claim 11 is objected to because “the flowing air” lacks antecedent basis.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 8-16, 20-24, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Bartscher et al. (US 2002/0191993).

Bartscher et al. disclose a process for handling a printing medium (5) in a microwave mechanism of a printing machine. A guide device (17) conveys the printing medium (5) by supporting the printing medium (5) by flowing air. The air is heated, which will allow the air to carry moisture, and inherently remove moisture from the microwave mechanism (49). See figure 3.

Regarding claim 2, perforated sheets (57) prevent air from flowing out of a slot area that is used to convey the printing medium (5) through the microwave mechanism and into an application area that incorporates the slot area.

Regarding claims 3, 20, and 26, the air is heated before it flows into the microwave mechanism. See [0027].

Regarding claim 4, the air is inherently heated by energy dissipated by the microwave mechanism.

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Regarding claims 9, 12, 22, and 23, sheets (57) at least partially seal off and envelope the slot area and are made of a material such as PTFE that does not absorb microwaves. See [0024].

Regarding claims 10 and 11, the sheets (47) at least partially seal off an area that extends beyond the application area.

Regarding claims 13, 14 and 24, arrow 45 in figure 2 illustrates an air inlet boxes, which includes air inlet openings, which must also be included below the application area based on the air flow shown in the figure.

Regarding claim 15, the geometry shown in figure 2 is one that prevents or minimizes the escape of microwave radiation.

Regarding claim 16, protection plate (41) is at least one air barrier that separates a slot area inside the application area that is used to pass the printing medium (5) through the application area from the remaining applicator.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not

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commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 5, 18, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bartscher et al. (US 2002/0191993) in view of Isaka (JP 57-097555).

Bartscher disclose the process and apparatus above, but do not disclose a device for measuring moisture content inside the microwave mechanism.

However, Isaka disclose a fixing device incorporating a magnetron, which is a microwave mechanism, including a ambient-humidity detecting means (12) to adjust the high-frequency energy based on the humidity near the magnetron and the travel path.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the microwave mechanism of Bartscher et al. to include the humidity detecting means taught by Isaka so that when the humidity is high and high-frequency waves are absorbed by moisture in the atmosphere, the high-frequency energy for fixation is increased accordingly to obtain the invariably stable capability of fixation. See abstract, lines 11-14.

Allowable Subject Matter

Claims 6, 7, 17, and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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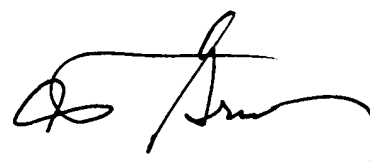
Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan Gleitz whose telephone number is (571) 272-2134. The examiner can normally be reached on Monday-Friday between 9:00AM and 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur Grimley can be reached on (571) 272-2136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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